

**Notice of Allowability**

Application No.

09/755,738

Examiner

Jonathan Ouellette

Applicant(s)

SANDHOLM ET AL.

Art Unit

3629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/29/2007.
2. ☒ The allowed claim(s) is/are 1-49 and 51-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Request for Continued Examination*

1. The Request filed on 1/29/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/755,738 is acceptable and a RCE has been established. An action on the RCE follows.

### *Response to Amendment*

2. Claims 49 has been cancelled; therefore Claims 1-48 and 50-85 are currently pending in application 09/755,738.

### **Claim Rejections - 35 USC § 103**

3. The rejection of Claims 1-48 and 50-85 under 35 U.S.C. 103(a) as being unpatentable over Roman (Roman, Ernan, "The Underachieving Database," American Demographics Marketing Tolls Supplement, pp: 48-55, June 1996) in view of Official Notice, is withdrawn due to Applicant's amendments.

### *Allowable Subject Matter*

4. Claims 1-48 and 50-85 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:
6. As per **Independent Claim 1 and 85**, the prior art fails to teach or disclose a method for developing a multi-channel marketing database for multi-channel marketers in a computer

network which provides a fourth phase for development comprising *creating for each market in an organization a physical standard data model for said multi-channel marketing database*, and comprising the step of providing a plurality of reports, *each of which corresponds to each market's physical standard data model*; wherein said multi-channel marketing database provides a service offering that enables said multi-channel marketers to analyze, create, track, control, coordinate, and execute marketing strategies across multiple customer touchpoints using various communications media and methods.

7. **Roman (Roman, Ernan, "The Underachieving Database," American Demographics Marketing Tolls Supplement, pp: 48-55, June 1996)** Roman discloses a method for developing a multi-channel marketing database for multi-channel marketers in a computer network (pg.2, direct-mail, telemarketing), said method comprising the steps of: providing a first phase for planning (pg.2); responsive to said providing a first phase for planning, providing, second phase for discovery, comprising business and technical requirements gathering (pgs. 2-3, defining database objectives); responsive to said providing a second phase for discovery, providing a third phase for design, comprising reviewing data analysis and determining specifications; responsive to said providing a third phase for design, providing a fourth phase for development comprising creating a data model, creating and modifying software programs and performing unit and system test on the computer network (pg.3, design and develop using off-the shelf package and completed trial runs); and responsive to said providing a fourth phase for development, providing a fifth phase for deployment (pg.3, integrated sales database information) comprising the step of ensuring that said multi-channel marketing database is meeting a client's expectations (pg.7, continually

Art Unit: 3629

updating database with customer information), and wherein said multi-channel marketing database comprises a push and pull marketing touchpoint element that collects information data at both push and pull touchpoints, including direct mail, inbound (order taking information) and outbound telemarketing (pg. 2, 4 and 7), and performs a real-time, customer-specific marketing action based on said collected information data (sales rep can access up-to-date customer information through computer system for sales call (pg. 3).

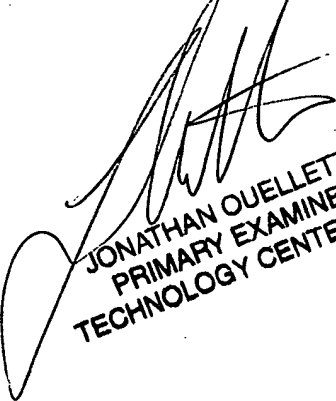
8. Roman fails to expressly disclose touchpoints including email, web sites, and kiosks.
9. However, Official Notice is taken that email, web sites and kiosks were all common tools for completing sales transactions and collecting customer information at the time the invention was made. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include email, web sites and kiosks as touchpoints for collecting customer information to be used for marketing purposes.
10. However, Roman fails to teach or suggest providing a fourth phase for development comprising creating for each market in an organization a physical standard data model for said multi-channel marketing database, and comprising the step of providing a plurality of reports, each of which corresponds to each market's physical standard data model.
11. The remaining dependent Claims 2-48 and 50-84 are considered allowable, as they are dependent on an allowable independent claim.
12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3629

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

April 12, 2007

  
JONATHAN OUELLETTE  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600